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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,302	12/18/2001	Xiaofan Wang	2705-147	3337
20575	7590	05/19/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,302	WANG, XIAOFAN	
	Examiner Asghar Bilgrami	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 February 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/16/2006 has been entered.

Drawings

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
The applicant need to provide drawings illustrating a step-by-step illustration of the connection process between the client and the server through the PSTN connection and show all the elements involved in such communication as described in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 7, 15, 17, 23, 24, 25 & 26 rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon lack of details in the specification regarding "How" an HTTP connection is made between the client and a server without connecting to an ISP and without the presence of an intervening packet-routing network. The specification also lacks in providing details on "How" the PSTN handles such form of request and what elements of the PSTN network are involved in communicating such request and their respective functions in facilitating such communication. Additionally the specification lack in details on how the connection is made between the two modems (24 & 140) modems on each end of the PSTN network and how the PSTN handles such communication.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over I'Anson et al (U.S. 6,760,046) and Ehlinger (U.S. 6,693,893 B1).

7. As per claims 1, 7, 15, 17, 23, 24, 25 & 26 I'Anson disclosed a method of operating a client that retrieves resources using HTTP commands, the method comprising: parsing a domain name field for a telephone number that identifies a point-to-point HTTP server; comparing the parsed telephone number to any open telephone numbers identifying any open point-to-point HTTP connections; when an open telephone number matching the parsed telephone number does not exist, accessing a public-switched-telephone-network line; dialing, on the accessed line, the parsed telephone number for the point-to-point HTTP server; indicating that the client requests termination of the line as an HTTP connection to the point-to-point HTTP server; and interacting with the point-to-point HTTP server over the accessed line using HTTP protocol requests and responses without the necessity of an intervening packet-routing network (col.8, lines 63-67 & col.9, lines 1-27). However I'Anson did not explicitly disclose parsing a domain name field for

Art Unit: 2143

a telephone number that identifies a point-to-point HTTP server; comparing the parsed telephone number to any open telephone numbers identifying any open point-to-point HTTP connections; when an open telephone number matching the parsed telephone number does not exists. IN the same field of endeavor Ehlinger disclosed parsing a domain name field for a telephone number that identifies a point-to-point HTTP server; comparing the parsed telephone number to any open telephone numbers identifying any open point-to-point HTTP connections; when an open telephone number matching the parsed telephone number does not exists (col.2, lines 38-67 & col.3, lines 1-40).

A the time the invention was made it would have been obvious to one in the ordinary skill in the art to have incorporated parsing of a telephone number in the domain field to identify an open HTTP connections as disclosed by Ehlinger in a method of retrieving resources using HTTP commands as disclosed by I'Anson in order to provide users the flexibility to obtain desired information through in a versatile manner making the resource retrieval system robust and user friendly.

8. As per claim 2 I'Anson- Ehlinger disclosed the method of claim 1, wherein the domain name field is included in a Uniform Resource Locator (URL) and is associated with a Domain Name Service (DNS) query. (I'Anson, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

9. As per claim 3 I'Anson- Ehlinger disclosed the method of claim 2, wherein the domain name field does not include a domain name (I'Anson, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

10. As per claim 4 I'Anson- Ehlinger disclosed the method of claim 2, wherein the URL indicates a point-to-point HTTP reachable resource by the presence of a telephone number in the domain name field (col.12, lines 66-67& col.13, lines 1-9).

11. As per claim 5 I'Anson- Ehlinger disclosed the method of claim 1, wherein indicating that the client requests termination of the line as an HTTP connection is accomplished over the PSTN and comprises transmitting at least one tone indicative of a point-to-point HTTP session, on the accessed (I'Anson, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

12. As per claim 6 I'Anson- Ehlinger disclosed the method of claim 1, wherein indicating that the client requests termination of the line as an HTTP connection is accomplished over the PSTN and comprises requesting a TCP connection to a TCP port on the HTTP server designated for point-to-point HTTP service (I'Anson, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

13. As per claim 8 I'Anson- Ehlinger disclosed the method of claim 7, further comprising detecting that an incoming call is of a point-to-point call type by detecting a signal comprising at least one tone on the public-switched-telephone-network line, the signal indicative of a point-to-point HTTP call type (I'Anson, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

14. As per claim 9 I'Anson- Ehlinger disclosed the method of claim 7, further comprising detecting that an incoming call is of a point-to-point call type by designating a TCP port on the HTTP server for point-to-point HTTP service, and associating an incoming call requesting a connection to that TCP port as a request for point-to-point HTTP service (I'Anson, col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

15. As per claim 10 I'Anson- Ehlinger disclosed the method of claim 7, further comprising requesting authentication of the client as an authorized user (I'Anson, col.10, lines 3-31).

16. As per claim 11 I'Anson- Ehlinger disclosed the method of claim 7, further comprising parsing a resource path present in an HTTP request received from the client, determining whether the resource path is for a resource available at the server (col.4, lines 50-67), and when the resource path is for a resource not available at the server, determining whether the server can obtain the resource from a remote host (I'Anson, col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

17. As per claim 12 I'Anson- Ehlinger disclosed the method of claim 11, where determining whether the server can obtain the resource from a remote host comprises parsing a host identifier from the resource path (I'Anson, col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

Art Unit: 2143

18. As per claim 13 I'Anson- Ehlinger disclosed the method of claim 12, further comprising comparing the host identifier to identifiers contained in an information base available to the server (I'Anson, col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

19. As per claim 14 I'Anson- Ehlinger disclosed the method of claim 11, wherein when the server determines that the resource is available from the remote host, the method further comprises requesting the resource from the remote host, receiving the resource from the remote host, and forwarding the resource to the client (I'Anson, col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

20. As per claim 16 I'Anson- Ehlinger disclosed the HTTP server of claim 15, further comprising means for serving HTTP requests from the HTTP client for resources that do not reside on the server (I'Anson, col.8, lines 63-67, col.9, lines 1-53 & col.12, lines 46-65).

21. As per claim 18 I'Anson- Ehlinger disclosed the 11TTP server of claim 17, wherein the modem resource is capable of establishing multiple link layer connections to different clients, and wherein the point-to-point HTTP service is capable of serving concurrent HTTP requests from multiple clients via the modem resource (I'Anson, col.8, lines 51-67, col.9, lines 1-53 & col.12, lines 46-65).

22. As per claim 19 I'Anson- Ehlinger disclosed the HTTP server of claim 18, further comprising a TCP driver, wherein each client connects to the HTTP server by requesting a connection to a TCP port designated for the HTTP service, and the HTTP service identifies different clients by TCP socket (I'Anson, col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).
23. As per claim 20 I'Anson- Ehlinger disclosed the HTTP server of claim 17, further comprising a default resource to be returned to the client when the client submits an empty resource request (I'Anson, col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).
24. As per claim 21 I'Anson- Ehlinger disclosed the HTTP server of claim 17, further comprising an HTTP remote retrieval service capable of serving resources to a client, where those resources are not physically located on the server but are hosted on a separate host connected to the HTTP server by a data network (I'Anson, col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).
25. As per claim 22 I'Anson- Ehlinger disclosed the HTTP server of claim 17, wherein the modem resource comprises a data network tunnel to a remote network access device (I'Anson, col.7, lines 15-35, col.8, lines 63-67, col.9, lines 1-27 & col.12, lines 46-65).

26. As per claim 27 I'Anson- Ehlinger disclosed the method of claim 1 further comprising closing an open connection associated with the open telephone number when the open telephone number does not match the parsed phone number (Ehlinger, col.2, lines 38-67 & col.3, lines 1-40).

27. As per claim 28 I'Anson- Ehlinger disclosed the HTTP-enabled appliance of claim 23 further comprising the processor opening a circuit switched connection when a telephone number substitutes a domain name in a domain name field (Ehlinger, col.2, lines 38-67 & col.3, lines 1-40).

28. As per claim 29 I'Anson- Ehlinger disclosed the HTTP-enabled appliance of claim 24 wherein a presence of a telephone number in a Uniform Resource Locator (URL) controls circuit switched connectivity (Ehlinger, col.2, lines 38-67 & col.3, lines 1-40).

29. As per claim 30 I'Anson- Ehlinger disclosed the method of claim 25 wherein a non-Internet-Service-Provider (ISP) connection is established with a website in response to the presence of a telephone number in a Uniform Resource Locator (URL) and an ISP connection is established with the website in response to the presence of a domain name in the 'URL (Ehlinger, col.2, lines 38-67 & col.3, lines 1-40).

Oath/Declaration

30. The applicant made a declaration that Xiaofan Wang is the inventor of the patent application (10/025,302) that is being examined. The applicant is attempting to show conception of the invention prior to May-22-2001 (the Earliest Effective Date of the I'Anson reference) coupled with diligence from just prior to the reference date until filing of this application on December-18-2001.

I. Conception

31. The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred."). See MPEP 715.07 General Requirements

In paragraph 3 in order to establish conception the applicant states that the attached internal Cisco document (Exhibit A) provides the evidence for the date of conception of the present invention prior to the date of the I'Anson reference.

The description provided by the applicants in summary section of Exhibit A is a vague and general statement that describes the invention in broad terms. This is not a clear explanation.

Thus applicant has not met his burden of clearly showing how the submitted evidence supports conception of the invention.

32. The examiner has reviewed the submitted evidence in its entirety and does not find that it would support conception even with a proper affidavit. For example, it is not obvious to Examiner where the claimed "interacting with the point-to-point HTTP server over the accessed line using HTTP protocol requests and responses without the necessity of an intervening packet-routing network, wherein interacting with the point-to-point HTTP server does not require connecting to an internet Service provider" is supported by the exhibits. As such it appears that Applicant has not shown a conception of invention. This is a single example and is not meant to be comprehensive and exhaustive. Applicant has the burden of establishing conception.

II. Diligence

33. Where conception prior to the reference date has not been clearly established diligence need not be considered [See MPEP 715.07(a).] However, in the interest of expediting

prosecution the Examiner will provide further guidance regarding the deficiencies in the attempted showing of diligence.

34. The critical period for which diligence must be shown is from just before March-22-2001 (the effective date of I'Anson et al.) until December 18, 2001 the effective filing date of the instant application. It appears that the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the reference to a constructive reduction to practice of the instant invention. The entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. [See MPEP 2138.06].

35. Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. Ex parte Hunter, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence. (MPEP 715.07(a))

36. As proof of diligence, Applicant in paragraph 4 alleges that he was diligent. As stated above the mere allegation is not sufficient to establish diligence.

Response to Arguments

37. Applicant's arguments filed September 2-2005 have been fully considered but they are not persuasive.

38. Applicant argued "I'Anson fails to teach at least the element of interacting with the point-to-point server wherein interacting does not require connecting to an Internet service provider (ISP)", the applicant refers to Figure 7 in I'Anson to support this statement.

39. As to applicants arguments figure 7 is one of the embodiment presented by I 'Anson, the Examiner would like to point out Figure 1 in I'Anson which discloses that the mobile entity (client) can have direct access (without the use of ISP) to the public internet through a data-capable bearer service available in the form of Circuit Switched Data service which is used to carry data and the MSC 32 routes circuit to an InterWorking function IWF 34 the precise of which depends on what is connected to the other side of the IWF. Thus, IWF could be configured to provide direct access to the Internet 39 (that is, provide functionality similar to an IAP- Internet Access provider [also known as Internet Service Provider (ISP)]).

40. The applicant argued "In contrast to I'Anson, claim 1 does not require connecting to an ISP when interacting with the point-to-point HTTP server.

41. As to applicants argument please see the Examiner's response on line 39.

42. The applicant argued, "Regarding claim 5, I'Anson does not teach the element of transmitting at least one tone indicative of a point-to-point HTTP session.

Art Unit: 2143

43. As to applicants arguments I'Anson disclosed that, alternatively, the IWF could simply be a modem connecting to a PSTN; in this case the Internet access can be achieved by connection across the PSTN to a standard IAP.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER